



RAVALLI COUNTY ATTORNEY

George H. Corn, County Attorney
T. Geoffrey Mahar, Chief Deputy
John Bell, Deputy
Karen Mahar, Deputy
William E. Fulbright, Deputy
Alex Beal, Deputy

RECEIVED

JUL 9 6 2007

Ravalli County Commissioners

--	--	--	--	--

Ravalli County Courthouse
205 Bedford, Suite C
HAMILTON, MT 59840-2853

Phone (406) 375-6750
Fax (406) 375-6731

July 6, 2007

Lawrence D. Johnson
Attorney at Law
P.O. Box 500
Hamilton, MT 59840

RE: Outdoor Advertising Signs on Hwy. 93

Dear Mr. Johnson:

Thank you for your June 26, 2007 letter. I have looked through it as well as the packet of information that you sent. I think the county's position on this matter has been relatively clear and straight forward as shown by the various letters and minutes you included. I would add a memorandum issued by my predecessor, Mr. McCubbin, in May of 2005, which I am enclosing.

Any signs whose posts are moved or removed are treated as new signs. New signs must comply with the county's sign ordinance, including the one hundred foot (100 ft.) setback from the edge of the right-of-way and size limitations. Anyone desiring a hearing on the matter, specifically for the county to consider any variance, should contact the Commissioners' office at (406) 375-6500.

Sincerely,

Alex Beal, Deputy
Ravalli County Attorney's Office

AB:hs

Encl: as stated

Cc: Ravalli County Commissioners ✓



RAVALLI COUNTY ATTORNEY

George H. Corn, County Attorney
T. Geoffrey Mahar, Chief Deputy
John Bell, Deputy
Karen Mahar, Deputy
D. James McCubbin, Deputy
William E. Fulbright, Deputy

Ravalli County Courthouse
205 Bedford Street, Suite C
Hamilton, MT 59840
Phone (406) 375-6222
Fax (406) 375-6328

MEMO

TO: David Ohnstad, Road Supervisor
CC: Patrick O'Herren, Planning Director
Ravalli County Commissioners

FROM: D. James McCubbin

DATE: May 2, 2005

RE: Application of Ordinance #12, Off-Premise Outdoor Advertising Ordinance,
to Signs Relocated to Accommodate Construction on Highway 93

I am writing with respect to correspondence from Ray Harbin of the MDT Right-of-Way Division dated March 28, 2005. Enclosed please find a copy of my Memorandum to the Ravalli County Commissioners dated July 30, 2003. At that time I concluded that a complete relocation of a sign along Highway 93 was not exempt in any manner from the application of Ravalli County Ordinance #12. Upon re-review of this matter, and in light of Mr. Harbin's correspondence, I find no reason to change my conclusion or the rationale for it.

Mr. Harbin misquotes from Section 7 of Ordinance #12. The language "these provisions shall not apply to off-premise signs on US Highway 93" refers to subparagraphs 1-4 of Section 7. This language in no way exempts the construction of new signage along Highway 93 from application of the Ordinance. Rather, Section 7 applies only to non-conforming signs "which were legally erected prior to the adoption of the Ordinance." As explained in my Memorandum of July 30, 2003, newly constructed signs do not meet this criteria. Accordingly, it remains my conclusion that any newly constructed signs, whether replacements or not, will be subject to application of Ordinance #12.

Finally, it should be reiterated that Ravalli County is not requiring anyone to move their Highway 93 signage, and is not responsible for any costs associated with doing so pursuant to another agency's requirements.

DJM